

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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OLA M. BATTLE,

Plaintiff,

-v-

DAVID CARROLL, et al.,

Defendants.

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**DECISION and ORDER**  
11-CV-0624S(Sc)

Plaintiff has filed a *pro se* complaint under 42 U.S.C. § 2000e and New York Executive Law, §§ 290-297, and has requested appointment of counsel pursuant to 42 U.S.C. § 2000e-5(f)(1) and 28 U.S.C. § 1915(e)(1). (Docket No. 29.) This Court is required to see that all litigants receive proper representation of counsel under the criteria set forth in *Jenkins v. Chemical Bank*, 721 F.2d 876 (2d Cir. 1983) and *Cooper v. A. Sargenti Co.*, 877 F.2d 170 (2d Cir. 1989). In addition, courts have the inherent authority to assign counsel to represent private indigent litigants. See *In re Smiley*, 36 N.Y.2d 433, 438 (1975).

Additionally, each lawyer — especially those who are admitted to practice in federal court and who therefore are in a position to reap the benefits of such practice — has a professional obligation to provide *pro bono* services for the poor. See New York Rules of Professional Conduct, Rule 6.1. In addition, Rule 83.1(f) of the Local Rules of Civil Procedure provides as follows:

Every member of the bar of this Court who maintains, or whose firm maintains, an office in this District, shall be available upon the Court's request for appointment to

represent or assist in the representation of indigent parties. Appointments under this Rule shall be made in a manner such that no Member shall be requested to accept more than one appointment during any twelve-month period.

It is in this spirit that the Court assigns Kevin P. Wicka, Esq. of Brown & Tarantino, 1500 Liberty Building, Buffalo, New York 14202, *pro bono*, to faithfully and diligently represent plaintiff in this case.

The file in this matter that is currently available through PACER on the Court's Case Management/Electronic Case Management System and the undersigned will also issue an Order directing PACER to waive its fees so *pro bono* counsel can access and print at no cost to him or his firm any other documents filed herein that he may need. The Clerk of the Court shall also send to Mr. Wicka, with a copy of this order, the Guidelines Governing Reimbursement from the District Court Fund of Expenses Incurred by Court Appointed Counsel.<sup>1</sup> A Status Conference is scheduled for **November 8, 2012 at 9:00 am** to discuss further proceedings in the case.

SO ORDERED

Dated:           October 29, 2012  
                    Buffalo, New York

s/William M. Skretny  
WILLIAM M. SKRETNY  
Chief Judge  
United States District Court

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<sup>1</sup>This information and the forms are also available on the Court's web site at the Attorney Information link from the home page located at: <http://www.nywd.uscourts.gov/document/fundreimbvoweb.pdf>.